IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20974 of 2004

Between:

N.K.Ramesh, S/o.N.M.Kataiah,
R/o.Shantinagar, Guntakal, Anantapur District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep.by its Secretary, General

Administration (L&O.II) Department,Secretariat, Hyderabad.
2 Collector & District Magistrate, Anantapur District, Anantapur.
3 Superintendent of Police, Anantapur District, Anantapur.
4 Superintendent, Central Prison, Cherlapalle, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Habeas Corpus or any other appropriate writ, order or detention and call for the records relating to and connection with proceedings No. 5001-31/MC/2004, dated 18-9-2004 and quash or set aside the same as illegal, arbitrary and contrary to the provisions of Act 1/1986 and order release of the detenu Balija Srinivasulu @ Musti Seena and consequently direct the respondents to pay Rs.50,000/- as compensation by way of damages for detaining the detenu illegally.

Counsel for the Petitioner:MR.N.SUBBA RAO

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

This writ petition has been filed by the brother of one Balija Srinivasulu @ Musti Seena (hereinafter referred to as 'detenu') challenging the order of detention passed by the Collector and District Magistrate, Ananthapur District, in terms of the provisions of Section 3 (2) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986.

The order of detention was passed on 18-09-2004. Grounds of detention were communicated to the detenu. Counter has been filed. We have heard learned counsel for the parties and also perused the record.

Learned counsel for the petitioner has taken various grounds. One of the grounds is that Crime No.118 of 2002 has been registered at Gandhi Nagar Police Station of Bellary District, Karnataka State and the material pertaining to this case was in Kannada language and it was served on the detenu in the same language. Detenu does not know Kannada and can only understand Telugu language. From record it is also evident that no translation of this material was provided to the detenu and all papers relating to this crime were given to the detenu in the language, which he did not understand. Because he could not understand the language in which the material was supplied, therefore, he got prejudiced in making a representation, which is an infraction of Article 22(5) of the Constitution of India. It is also contended that the incidents, which have been cited as grounds of detention, are not proximate even to each other. The first incident relates to the case registered on 13-06-2000,

the second relates to the case registered on 16-09-2002 and the last one relates to the case registered on 07-02-2004. There is a gap of more than two years between one incident from the other. Therefore, the first two grounds are stale and are not severable from other grounds and on this ground also the detention is bad.

Ground Nos.1 and 2 being stale to each other and the detenu having not been supplied with the relevant material in the language he knew, we feel that his rights have been violated.

For these reasons, the writ petition is allowed. The order of detention is quashed. The respondents are directed to release the detenu forthwith, if not needed in any other case. No order as to costs.

_____

(BILAL NAZKI, J)

20th December, 2004.

_____

(Dr. G.YETHIRAJULU,J)

vrn

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the Twentieth day of December, Two thousand and Four.

To

1 The Secretary, Government of Andhra Pradesh, General

Administration (L&O.II) Department,Secretariat, Hyderabad.
2 The Collector & District Magistrate, Anantapur District,

Anantapur.
3 The Superintendent of Police, Anantapur District, Anantapur.
4 The Superintendent, Central Prison, Cherlapalle, R.R.District.

5 Two C.Cs to the Advocate General, High Court Buildings,

Hyerabad (OUT)

6 Two C.D copies